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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/781,889	02/12/2001	Sadahiko Yamaoka	1232-4684	9633

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MORGAN & FINNEGAN, L.L.P.  
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NEW YORK, NY 10154

EXAMINER

POND, ROBERT M

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 03/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/781,889

Applicant(s)

YAMAOKA ET AL.

Examiner

Robert M. Pond

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 21 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Specification***

1. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.
2. The abstract of the disclosure is objected to because it contains two paragraphs. Correction is required. See MPEP § 608.01(b).

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 3, 8, 11, 13, 16, and 20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The phrase "and/or" renders each claim indefinite since the resulting claim does not clearly set forth the metes and bounds of the patent protection desired.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

- 4. Claims 1-2, 4-7, 9-12, 14-16, 18, and 20 are rejected under 35 USC 102(e) as being anticipated by Barnes et al. (patent number 5,970,475, hereinafter referred to as Barnes).**

Barnes teaches all the limitations of Claims 1-2, 4-7, 9-12, 14-16, 18, and 20. For example, Barnes discloses an online procurement system designed to support parts procurement (see at least Fig. 1 (10); col. 1, lines 5-17). Barnes further discloses:

- A parts database: multiple supplier databases (see at least Fig. 3 (16, 42, 44'); Fig. 4 (16); col. 8, line 60 through col. 27).
- Designating means for parts: (see at least Fig. 3 (42); col. 9, lines 51-59).
- Searching and display: (see at least Fig. 2 (26, 28, 30, 34, 42); col. 6, lines 33-65; col. 8, line 36-38).
- Pricing database: catalog pricing (see at least col. 4, line 15).
- Designating means for pricing: (see at least col. 9, lines 51-53).

- Display control means for displaying price: (see at least col. 4, lines 5-16).
- Price difference display control: displays pricing and discounts to purchasers; purchasing based on discounted prices negotiated with suppliers (please note examiner's interpretation: making purchases based on discounted pricing equates to cost-cutting) (see at least col. 4, lines 5-15).
- Database storing purchase record information: (see at least col. 8, lines 53-54).
- Database storing order status and price history of orders: all users can view status and history of orders and generate reports (please note examiner's interpretation: history contains price history) (see at least col.9, lines 49-50).
- Internet communications with web browser interface: (please note examiner's interpretation: Internet communication and web browser interface provide bulletin board functionality) (see at least col. 7, lines 11-13; 24-26; col. 9, lines 66-67).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

- 5. Claims 3, 8, and 13 are rejected under 35 USC 103(a) as being unpatentable over Barnes (patent number 5,970,475), in view of Business Wire (PTO-892, Item: U).**

Barnes teaches all the above as noted under the 102(e) rejection and teaches cost-cutting by displaying discounts and further teaches advantages of negotiated pricing, but do not disclose displaying control means for displaying prices higher or lower than a price. Business Wire teaches BuyerZone.com joining forces with Inc.com to provide multi-vendor catalog, quote services, and comparison shopping tools. Business Wire further teaches providing intelligent decision-making tools so users can conveniently compare and purchase products online and can request quotes from multiple suppliers using a few simple keystrokes (please note examiner's interpretation: receiving multiple quotes results in receiving multiple prices that will be the same or ranging from highest to lowest). Therefore it would have been obvious to one of ordinary skill in the art at time of the invention to modify the system of Barnes to display

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product pricing higher or lower as taught by Business Wire, in order to facilitate comparison shopping, and thereby help the purchases select the lowest price.

- 6. Claim 17 is rejected under 35 USC 103(a) as being unpatentable over Barnes (patent number 5,970,475), in view of Perlman (patent number 5,862,220).**

Barnes teaches all the above as noted under the 102(e) rejection and further teaches reducing purchasing costs through efficient system implementation, but does not disclose a map database storing and display means about supplier information. Perlman teaches use of the web for ordering products from suppliers, using a map database that stores zip code information about suppliers, and using the map database to facilitate efficient delivery of goods based on proximity to the purchaser (see at least abstract; col. 12, line 60 through col. 13, line 2). Therefore it would have been obvious to one of ordinary skill in the art at time of the invention to modify the system of Barnes to include a map database containing supplier information as taught by Perlman, in order to minimize delivery time.

- 7. Claim 19 is rejected under 35 USC 103(a) as being unpatentable over Barnes (patent number 5,970,475), in view of Joseph et al. (patent number 6,606,603, hereinafter referred to as Joseph).**

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Barnes teaches all the above as noted under the 102(e) rejection and further teaches purchasers using electronic catalogs offered by suppliers via the procurement system, storing supplier information in databases, and increasing purchaser satisfaction through use of the procurement system, but does not disclose an evaluation database storing information about suppliers. Joseph teaches ordering items using electronic catalogs and further teaches supplier evaluation and satisfaction ratings (please note examiner's interpretation: evaluations and ratings at least provided by purchasers using the electronic catalogs) (see at least abstract; col. 9, line 12). Therefore it would have been obvious to one of ordinary skill in the art at time of the invention to modify the system of Barnes to include supplier evaluation and satisfaction ratings as taught by Joseph, in order to ascertain purchaser satisfaction.

Barnes and Joseph teach all the above as noted under the 103(a) rejection and teach purchaser information stored in a database, supplier information stored in database, and supplier evaluation and satisfaction ratings, but do not disclose storing a supplier evaluation in a database. It would have been obvious to one of ordinary skill in the art at time of the invention to store supplier evaluations and satisfaction ratings in a database, since it is well within the skill to ascertain that information collected from a purchaser is stored in a database.



***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Mr. Robert M. Pond** whose telephone number is 703-605-4253. The examiner can normally be reached Monday-Friday, 8:30AM-5:30PM Eastern.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Mr. Vincent Millin** can be reached on 703-308-1065.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Receptionist** whose telephone number is **703-308-1113**.

Any response to this action should be mailed to:

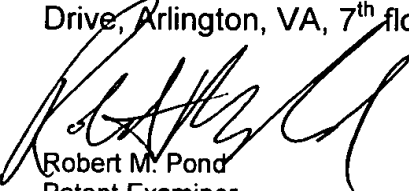
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***Washington D.C. 20231***

or faxed to:

**703-872-9306** (Official communications; including After Final communications labeled "Box AF")

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, 7<sup>th</sup> floor receptionist.



Robert M. Pond  
Patent Examiner  
March 18, 2004